

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

COMMONWEALTH	:	CIVIL NO. 1:19-CV-01458
OF PENNSYLVANIA	:	
<i>ex rel.</i> VANN LAMONT	:	
BAILEY, <i>et al.</i>	:	
	:	
Plaintiffs,	:	(Chief Magistrate Judge Schwab)
	:	
v.	:	
	:	
KEVIN KAUFFMAN, <i>et. al.</i>	:	
	:	
Defendants.	:	

COMMONWEALTH	:	CIVIL NO. 1:19-CV-01459
OF PENNSYLVANIA	:	
<i>ex rel.</i> VANN LAMONT	:	
BAILEY, <i>et al.</i>	:	
	:	
Plaintiffs,	:	(Chief Magistrate Judge Schwab)
	:	
v.	:	
	:	
KEVIN KAUFFMAN, <i>et. al.</i>	:	
	:	
Defendants.	:	

ORDER

January 13, 2020

Following a conference with the parties and in accordance with the discussion at that conference, **IT IS ORDERED** that the claims of Mr. Bailey and

the claims of Mr. Henry are severed because their claims do not arise from “the same transaction, occurrence, or series of transactions or occurrences” as required by Fed.R.Civ.P. 20(a)(1)(A) for them to join in the same action as plaintiffs. Mr. Bailey’s claims shall proceed in 1:19-CV-1458 and Mr. Henry’s claims shall proceed in 1:19-CV-1459. Given this severance, the plaintiffs’ motions (*doc. 14* in 1:19-CV-1458 and *doc. 21* in 1:19-CV-1459) to consolidate are **DENIED**.

By a separate order, these cases will be referred to the Court’s Prisoner Litigation Settlement Program. Because these cases will be referred to that settlement program, all litigation deadlines are **STAYED**.¹ Because after the cases go through the settlement program, we will have a better idea of what claims, if any, survive, **IT IS FURTHER ORDERED** that the defendants’ pending motions (*doc. 5* and *doc. 13* in 1:19-CV-1458 and *doc. 20* in 1:19-CV-1459) are

¹ During the telephone conference, Mr. Bailey (but not Mr. Henry) was given leave to file an amended complaint. This is because although there was an amended complaint filed in 1:19-CV-1459 (which is now Mr. Henry’s case), no such amended complaint was filed in 1:19-CV-1458 (which is now Mr. Bailey’s case). But given that the cases will be referred to the settlement program, Mr. Bailey need not file an amended complaint at this time. If there is a settlement, there is no need for an amended complaint. And if after going through the settlement program, a settlement is not reached, we will then set a deadline for Mr. Bailey to file an amended complaint.

DISMISSED WITHOUT PREJUDICE to the defendants filling any appropriate motions if settlement does not occur.

S/Susan E. Schwab

Susan E. Schwab

Chief United States Magistrate Judge